

REMARKS

Applicant requests favorable reconsideration and withdrawal of the rejections set forth in the above-noted Office Action in view of the following remarks.

Claims 1, 3, 6-8, 17, 19, 22-24, 48, and 49 are rejected in the Office Action under 35 U.S.C. § 103(a) as being unpatentable over Nehab et al. (U.S. Patent No. 6,029,182) in view of Matsubayashi et al. (U.S. Patent Application Pub. No. 2006/0156230). Claims 26, 28, 46, and 47 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Nehab et al. in view of Matsubayashi et al. and Vidyanand (U.S. Patent Application Pub. No. 2006/0023246).

Applicant respectfully traverses the rejections, and submits that the claims are patentable over that cited references for at least the following reasons.

Initially, Applicant notes that the cited reference to Matsubayashi et al. is only applicable against the present application under 35 U.S.C. § 102(e), (f), or (g). That is, the disclosure of the Matsubayashi et al. reference first published as U.S. Patent Application Pub. No. 2005/0010587¹ on January 13, 2005, which is after the November 15, 2001 filing date of the present application.

Applicant further notes that Matsubayashi et al. is assigned to the same entity as the present application, namely, to Canon Kabushiki Kaisha.

Statement of Common Ownership

The present application and Matsubayashi et al. were, at the time the invention of the present application was made, owned by Canon Kabushiki Kaisha.

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¹ This was a publication of U.S. Patent Application No. 10/915,554, to which the publication of Matsubayashi et al. cited in the Office Action claims priority.

As Matsubayashi et al. is only applicable against the present application under 35 U.S.C. § 102(e), (f), or (g), and as common ownership between the present application and Matsubayashi et al. at the time of the present invention has been established, Applicant submits that, under 35 U.S.C. § 103(c), Matsubayashi et al. is not applicable under 35 U.S.C. § 103(a) against the present application. See MPEP §§ 706.02(l)(1) and (l)(2).

As Matsubayashi et al. is applied in all of the rejections under 35 U.S.C. § 103(a) set forth in the Office Action, but is no longer application under 35 U.S.C. § 103(a), Applicant submits that the rejections set forth in the Office Action have been overcome. That is, as all of the rejections rely Matsubayashi et al. for suggesting certain features of the invention that are not found in the other cited references, and as Matsubayashi et al. is no longer applicable against the present application, the rejections do not set forth a prima facie case that the claimed invention is unpatentable.

Accordingly, Applicant respectfully requests favorable reconsideration, withdrawal of the outstanding rejections, and passage to issue of the present application.

Applicant's undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,
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